

OFFICIAL GAZETTE



GOVERNMENT OF GOA

GOVERNMENT OF GOA

Department of Personnel

Order

No. 6/3/81-PER-Vol. VI

Ex-post-facto approval of the Government is hereby accorded to Shri B. G. Sharma, Administrative-cum-Accounts Officer, Goa Sadan, New Delhi for holding the additional charge of the post of Officer on Special Duty, Goa Sadan with effect from 1-9-1991 until further orders.

By order and in the name of the Governor of Goa.

G. J. Prabhudessai, Under Secretary (Personnel).

Panaji, 16th June, 1993.

Education Department

Order

No. 23/10/92-EDN

The ad-hoc appointments of the following teaching staff in Government College, Quepem, is hereby extended for a further period of six months w.e.f. the dates indicated in Column No. 3 or till the posts are filled up on regular basis, whichever is earlier, on the same terms and conditions:—

Sr. No.	Name of the Lecturer and designation	Date from which the ad-hoc appointment is extended
1	2	3
1.	Miss Amrita Desai, Lecturer in Konkani.	19-6-1993
2.	Miss Bernadette Gomes, Lecturer in Sociology.	27-2-1993
3.	Miss Elizabeth J. Henriques, Lecturer in Economics.	9-3-1993

By order and in the name of the Governor of Goa.

S. S. Keshkamat, Under Secretary (Education).

Panaji, 21st May, 1993.

Order

No. 17/11/93-EDN

Kum. Sneha K. Bakhale is hereby temporarily appointed on ad hoc basis as Lecturer in Computer Application in the Government Polytechnic, Panaji with effect from 19-4-1993

in the scale of Rs. 2200-4000 plus the usual allowances admissible from time to time with the initial pay of Rs. 2200/-.

The appointment is subject to the condition specified in the office memorandum No. 17/27/92-EDN dated 8-4-1993 and the Rules and Regulation laid down by the Government from time to time.

The appointment is for a period of six months and purely on ad hoc basis and it will not bestow on the appointee any claim for regular appointment/promotion to the higher post and seniority and will be liable to be terminated by one month's notice given by either side or by payment of one month's salary in lieu of notice.

The appointment is liable for termination in case the character and antecedents of the appointee are adverse so as to disqualify her from holding a post under the Government.

The appointment is made against the post vacated by Shri Michael Vaz.

By order and in the name of the Governor of Goa.

S. S. Keshkamat, Under Secretary (Education).

Panaji, 24th May, 1993.

Order

No. 22/6/92-EDN

Sanction of the Government is hereby conveyed for extending the period of ad-hoc appointment of Miss Isabel Dennis, Lecturer in English in Government College of Arts, Science and Commerce Khandola, Marcela for a further period of six months with effect from 1-3-1993 or till the post is filled on regular basis, whichever is earlier.

By order and in the name of the Governor of Goa.

S. S. Keshkamat, Under Secretary (Education).

Panaji, 26th May, 1993.

Order

No. 21/1/89-EDN

Read: Govt. Order No. 21/1/89-EDN dated 25-11-92.

Sanction of the Government is hereby conveyed for extending the period of ad-hoc appointment of Kum. Milan G. Natekar, Librarian, Grade-I in the Government College of Art, Science and Commerce, Sanquelim for a further period of six months with effect from 3-2-1993 or till the post is filled up on regular basis, whichever is earlier.

By order and in the name of the Governor of Goa.

S. S. Keshkamat, Under Secretary (Education).

Panaji, 7th June, 1993.

Order

No. 17/3/93-EDN

Government is pleased to promote Shri S. Narasimharao, Lecturer in Applied Mechanics on ad hoc basis to the post of Head of Department in Civil Engineering in Govt. Polytechnic, Panaji in the pay scale of Rs. 3000-4500 plus the usual allowances admissible from time to time with effect from 1-6-1993 for a period of six months or till the post is filled up on regular basis whichever is earlier.

The promotion is being made purely on ad hoc basis and the ad hoc promotions will not confer any right for regular promotion.

The Government reserves the right to cancel at any time the ad hoc promotion and revert the Government servant to the post from which he was promoted.

By order and in the name of the Governor of Goa.

S. S. Keshkamat, Under Secretary (Education).

Panaji, 8th June, 1993.

Order

No. 16/1/88-EDN

Sanction of the Government is hereby conveyed for extending the period of ad-hoc appointment of the below mentioned Lecturers in Government Polytechnic, Panaji, for a further period of six months from the date indicated in Column No. 4 against their names or till the posts are filled up on regular basis whichever is earlier:

Sr. No.	Name of the Lecturer	Designation	Date when present ad-hoc appointment expires
1	2	3	4
1.	Shri Arun M. Bhat.	Lecturer in Chemistry.	11-6-1993
2.	Shri Francisco Xavier Fernandes.	Lecturer in Electrical Engg.	12-6-1993
3.	Shri Socorro J. I. Mota.	Lecturer in Fabrication (Mech. Engg.).	1-6-1993
4.	Shri Narayan V. Tarkar Pednekar.	Lecturer in Mech. Engg. (I. S.).	6-6-1993

1	2	3	4
5.	Shri Nagraj Avaghan.	Lecturer in Civil Engg.	7-6-1993
6.	Shri Umesh J.	Lecturer in Civil Engg.	7-6-1993
7.	Shri S. K. Mukherjee.	Lecturer in Physics.	18-6-1993
8.	Shri Richard D'Almeida.	Lecturer in Fabrication (Mech. Engg.).	24-6-1993

By order and in the name of the Governor of Goa.

S. S. Keshkamat, Under Secretary (Education).

Panaji, 8th June, 1993.

Order

No. 14/18/83-Vol. II (Part file)

Read: — Govt. Order No. 14/18/83-Vol.II/P.F. dated 23-6-1993.

The promotion of Shri B. S. Fernandes, Headmaster, Government Middle School, Corlim, Mapusa, Bardez-Goa to the post of Headmaster, Government High School, Neturim, Sanguem ordered under Government order cited above is hereby cancelled as he declined to accept the promotion for the reasons expressed by him vide his letter of July, 1993.

By order and in the name of the Governor of Goa.

G. J. Prabhudessai, Under Secretary (Education).

Panaji, 13th August, 1993.

Corrigendum

No. 14/17/93-EDN

Read: Government order No. 14/17/93-EDN dated 13-1-1993.

In the Government order cited above at Sr. No. 5 the name of the officer, designation and his present posting may be read as: —

"Shri P. P. Cruz, Headmaster, Government Middle School, Nuvem-Khol, Canacona" instead of Shri P. P. Cruz, Headmaster Middle School, Ambaulim, Quepem.

By order and in the name of the Governor of Goa.

S. S. Keshkamat, Under Secretary (Education).

Panaji, 14th June, 1993.

Agriculture Department

Order

No. 2-2-92/AGR

Sanction of the Government is hereby conveyed for the re-designation of the below mentioned posts as indicated at Column 3 in the Directorate of Agriculture for maintaining of a proper hierarchy for smooth functioning of the Directorate with immediate effect. However, the duties, functions, pay and allowances will continue to be the same.

Sr. No.	Present Designation	Proposed Designation	Scale of Pay
1.	Sugarcane Development Officer	Assistant Director of Agriculture (Sugarcane)	Rs. 2200-4000
2.	Principal, Extension Training Centre	Assistant Director of Agriculture (Extension Training)	— do —
3.	District Training Centre	Assistant Director of Agriculture (Farmers Training)	— do —
4.	Agronomist	Assistant Director of Agriculture (Agronomy)	— do —
5.	Subject Matter Specialist (Soils)	Assistant Director of Agriculture (Soils)	— do —
6.	Subject Matter Specialist (Agron)	Assistant Director of Agriculture (Seeds)	— do —
7.	Subject Matter Specialist (P.P.)	Assistant Director of Agriculture (Planning and Evaluation).	— do —
8.	Subject Matter Specialist (A.E. & W.M.)	Assistant Director of Agriculture (A.E.)	— do —
9.	Soil Conservation Officer	Assistant Director of Agriculture (Soil Conservation)	— do —
10.	Horticulture Development Officer	Assistant Director of Agriculture (Hort.)	— do —

By order and in the name of the Governor of Goa.

S. S. Keshkamat, Under Secretary (Education).

Panaji, 21st July, 1993.

Order

No. 2-18-85-AGR/Part

Read: 1) Government Order No. 2-18-85-AGR/Part dated 2-11-92.

2) No. COM/II/11/2(3)/92 dated 26-7-93.

On the recommendation of the Goa Public Service Commission, sanction of the Government is hereby conveyed for extending the period of ad hoc appointments of the following Officials in the Directorate of Agriculture for a further period of six months from the date indicated in Column 5 against their names or till the posts are filled on regular basis whichever is earlier.

Sr. No.	Name of the Officer	Designation	Date when the present ad hoc promotion expires	Extended upto
1	2	3	4	5
1.	Shri Larry Barreto	Soil Survey Incharge on deputation to C. A. D. A., Margao.	2-5-93	3-11-93
2.	Shri Yadvendra Dessai	Water Management Specialist at C. A. D. A., Irrigation Deptt./Sanquelim/Margao on deputation.	2-5-93	3-11-93
3.	Shri Datta B. Kossambe	Zonal Agriculture Officer Quepem.	2-5-93	3-11-93

The terms and condition of deputation of officials at Sr. No. 1 and 2 will be governed as per rules in force.

By order and in the name of the Governor of Goa.

G. J. Prabhudessai, Under Secretary (Agriculture).

Panaji, 17th August, 1993.

Order

No. 2-9-79/AGR/Part

The following Group "B" Officers of the Directorate of Agriculture are hereby transferred on Administrative Grounds, with immediate effect and are posted at the places, shown against them in column No. 4 below:—

Sr. No.	Name of the Official	Present Posting	Place of Posting
1.	2.	3.	4.
1.	Shri H. A. Patil	Agricultural Officer (W. M.) Z.A.O. Mapusa.	Farm Superintendent, Ela/ Z.A.O. Tiswadi.
2.	Shri K. G. Chothe	Farm Superintendent, Ela/ Z.A.O. Tiswadi.	Agricultural Officer (W. M.) Z.A.O. Mapusa.

Shri H. A. Patil will move first and will not be entitled to any TA/DA and joining period.

By order and in the name of the Governor of Goa.

S. S. Keshkamat, Under Secretary (Agriculture).

Panaji, 23rd June, 1993.

Corrigendum

No. 2-2-92-AGR

Read:- Government Order No. 2-2-92/AGR dated 21-7-1993.

In the above cited order, the Sr. No. 3 in column 2 may be read as "District Training Officer" instead of "District Training Centre".

By order and in the name of the Governor of Goa.

G. J. Prabhudessai, Under Secretary (Agriculture).

Panaji, 5th August, 1993.

Revenue Department

Notification

No. 22/74/91-RD

Whereas by Government Notification No. 22/74/91-RD dated 27-5-1991 published on pages 179-180 of Series II, No. 11 of the Official Gazette, dated 11-6-92 and in two newspapers (1) Sunaparant dated 1-6-91 (2) Herald dated 3-6-91 it was notified under section 4 of the Land Acquisition Act, 1894 (Central Act 1 of 1894) (hereinafter referred to as "the said Act") that the land, specified in the Schedule appended to the said Notification was likely to be needed for the public purpose viz. for improvement & wid. of road from St. Sebastian Chapel to Betul in Salcete Taluka.

And whereas, the Government of Goa (hereinafter referred to as "the Government"), after considering the report made under sub-section (2) of section 5A of the said Act is satisfied that the land specified in the schedule hereto is needed for the public purpose specified above (hereinafter referred to "the said land").

Now, therefore, the Government hereby declares, under the provisions of section 6 of the said Act that the said land is required for the public purpose specified above.

2. The Government also hereby appoints, under clause (c) of section 3 of the said Act, the Dy. Collector (Revenue) Collectorate of South Goa, Margao to perform the functions of a Collector for all proceedings hereinafter to be taken in respect of the said land, and directs him under section 7 of the said Act to take order for the acquisition of the said land.

3. A plan of the said land can be inspected at the Office of the said Dy. Collector (Revenue) Collectorate of South Goa, Margao till the award is made under section 11.

SCHEDULE

(Description of the said land)

Taluka: Salcete		Village: Chinchinim
Survey No./ Sub. Div. No.	Names of the persons believed to be interested	Area in sq. mts.
1	2	3
177/1 part	Pedro M. Fernandes.	75
"/4 part	Cristovan Furtado.	55
178/1 part	Alucio Nary D'Souza.	195

1	2	3
244/13 part	Pedro M. Fernandes.	175
"/6 part	Cristovan Furtado.	125
243/19 part	Alucio Nery D'Souza.	350
<i>Boundaries:</i>		
North: S. No. 244/14, road and S. No. 175.		
South: S. No. 241/5, road and S. No. 180/1.		
East: S. No. 177/1, 4, 178/1, 2 and road.		
West: S. No. 244/6, 13, 243/19 and road.		
<i>Taluka:</i> Salcete	<i>Village:</i> Assolna	
124/87 part	Orlando Pais.	350
	Charley Pais.	
	Rodney Pais.	
<i>Boundaries:</i>		
North: S. No. 124/14 and 34.		
South: Village Ambelim.		
East: Road.		
West: S. No. 124/67.		
<i>Taluka:</i> Salcete	<i>Village:</i> Ambelim	
6/4 part	Xavier Almeida.	210
	Victor Almeida.	
	Alfred Almeida.	
	Juencio Almeida.	
	Lencentre Almeida.	
	Esmail Almeida.	
<i>Boundaries:</i>		
North: Village Assolna and road.		
South: Road.		
East: Road.		
West: S. No. 6/3, 4 and 7.		
6/7 part	Alecio Pais.	75
	Dr. Anant Narayan Poi Angle.	
8/12 part	Smt. Angela Fernandes Dias.	25
	Gracia dos Santos E. Dias.	
"/1 part	Jelistio Dourado.	70
	Agapita Dourado.	
	Placido Dourado.	
	Jóse Dourado.	
	Florence Dourado.	
<i>Boundaries:</i>		
North: S. No. 7/11.		
South: Road & S. No. 12/1.		
East: S. No. 7/14, 15, 8/1 and 12.		
West: Road.		
7/15 part	Smt. Clara D'Costa.	32
"/14 part	— do —	15
<i>Boundaries:</i>		
North: Road.		
South: S. No. 241/2 and 3.		
East: S. No. 241/8 and road.		
West: S. No. 241/2 and road.		
<i>Taluka:</i> Salcete	<i>Village:</i> Velim	
241/2 part	Joao Dinis Milaguina Cariro.	70
"/3 part	Kishor Ramnath Poi Kare.	40
219/37 part	Comunidade of Velim.	27
<i>Boundaries:</i>		
North: S. No. 219/36.		
South: Road.		
East: S. No. 242/1.		
West: S. No. 219/37.		
Total		1889.00

By order and in the name of the Governor of Goa.

B. N. Bhat, Under Secretary (Revenue).

Panaji, 15th March, 1993.

Public Health Department

Order

No. 5/43/82-PHD

Read: Memorandum No. 5/43/82-PHD dated 7-4-92.

On the recommendation of the Goa Public Service Commission vide its letter No. COM/I/5/30(1)/92 dated 3-3-1993, the Government is pleased to appoint Dr. Mahesh Gurudas Sardesai, Associate Professor of Radiology to the post of Professor of Radiology on temporary basis on an initial pay to be fixed according to rules in the scale of pay of Rs. 4500-150-5700 plus NPA with immediate effect as per the terms and conditions contained in Memorandum cited above.

Dr. Sardesai will be on probation for a period of 2 years.

The appointment is made against the post of Professor of Radiology vacated by Dr. G. K. Mishra.

The appointment is made pending verification of his character and antecedents. He is medically examined and found fit for the post.

By order and in the name of the Governor of Goa.

D. N. Accavade, Under Secretary (Health).

Panaji, 30th April, 1993.

Order

No. 8/8/93-II/PHD

Read: Memorandum No. 8/8/93-II/PHD dated 21-4-93.

On the recommendation of the Goa Public Service Commission vide its letter No. COM/I/30(5)/89 dated 25-2-93, Government is pleased to appoint Dr. Suresh R. S. Mandrekar to the post of Demonstrator in Pathology, Goa Medical College, Bambolim on temporary basis on an initial pay of Rs. 2200/- in the scale of Rs. 2200-75-2800-EB-100-4000 with immediate effect as per the terms and conditions contained in the Memorandum cited above.

Dr. Mandrekar will be on probation for a period of 2 years.

The appointment is made against the vacant post of Demonstrator in Pathology.

The appointment is subject to verification of his character and antecedents. He has been medically examined and found fit.

By order and in the name of the Governor of Goa.

D. N. Accavade, Under Secretary (Health).

Panaji, 30th April, 1993.

Order

No. 8-7-93-II/PHD

Read:—Memorandum No. 8-7-93-II/PHD dated 19-4-1993.

On the recommendation of Goa Public Service Commission vide its letter No. COM/I/5/30(8)/89 dated 11-2-1993, Government is pleased to appoint Dr. Padamjit Niranjan Singh to the post of Demonstrator in Microbiology, Goa Medical College, Bambolim on temporary basis on an initial pay of Rs. 2200/- in the scale of Rs. 2200-75-2800-EB-100-4000 with immediate effect as per the terms and conditions contained in the Memorandum cited above.

Dr. Singh will be on probation for a period of 2 years.

The appointment is made against the post held by Dr. (Mrs.) Nilangi Virginkar who has resigned.

The appointment is subject to verification of his character and antecedents. He has been medically examined and found fit.

By order and in the name of the Governor of Goa.

D. N. Accawade, Under Secretary (Health).

Panaji, 30th April, 1993.

Order

No. 5/22/84-I/PHD

Read: Govt. order No. 7/13/88-I/PHD Vol. II dated 18-1-93.

In partial modification of the Government order No. 7/13/88-I/PHD Vol. II dated 18-1-93 Dr. V. S. Chatim Medical Officer posted at Primary Health Centre Valpoi is reposted at Primary Health Centre Betki against the vacant post with immediate effect.

By order and in the name of the Governor of Goa.

D. N. Accawade, Under Secretary (Health).

Panaji, 3rd May, 1993.

Order

No. 8/5/87-II/PHD

Government is pleased to accept the resignation tendered by Dr. (Mrs.) Manjusha Jindal, Medical Officer (PPP), Goa Medical College, Panaji with effect from 26-4-93 B.N. and she is relieved with effect from that date.

By order and in the name of the Governor of Goa.

D. N. Accawade, Under Secretary (Health).

Panaji, 25th May, 1993.

Order

No. 8/9/93-II/PHD

Read: Memorandum No. 8/9/93-II/PHD dated 27-4-93.

On the recommendation of the Goa Public Service Commission vide their letter No. COM/I/5/30(30)/89 dated 19-4-93, Government is pleased to appoint Dr. Shivanand Mohan Bandekar, Lecturer in Orthopaedic Surgery (group 'A' gazetted) in Goa Medical College Bambolim purely on temporary basis against the vacancy caused due to promotion of Dr. Carlos Barretto to the post of Asstt. Professor Orthopaedic on an initial basic pay scale of Rs. 3000/- (Rupees three thousand only) in the pay scale of Rs. 3000-100-3500-125-5000 plus N.P.A. with immediate effect as per the terms and conditions contained in the memorandum cited above.

Dr. Bandekar has been found medically fit by the Medical Board of Goa Medical College Panaji. He shall be on probation for a period of 2 years.

The appointment is made subject to verification of his character and antecedents.

By order and in the name of the Governor of Goa.

D. N. Accawade, Under Secretary (Health).

Panaji, 28th May, 1993.

Order

No. 8/2/87-II/PHD

Read: Memorandum No. 8/2/87-II/PHD dated 7-6-93.

On the recommendation of the Goa Public Service Commission vide its letter No. COM/I/5/30(36)/89 dated 16-2-93, Government is pleased to appoint Dr. Pradeep Gajanan Naik

to the post of Professor of Ophthalmology in the Goa Medical College on temporary basis on an initial basic pay of Rs. 4,500/- in the scale of Rs. 4500-150-5700 plus N.P.A. with immediate effect as per the terms and conditions contained in the memorandum cited above.

Dr. Pradeep G. Naik will be on probation for a period of 2 years.

The appointment is made against the post of Professor of Ophthalmology held by Dr. Y. C. Arora who has resigned.

The appointment is made subject to the verification of his character and antecedents. He has been declared medically fit for the post.

By order and in the name of the Governor of Goa.

D. N. Accawade, Under Secretary (Health).

Panaji, 10th June, 1993.

Order

No. 10-8-91-I/PHD

The following posting or/and transfers are made as under with immediate effect:—

Sr. No.	Name of the officer, designation and present place of working	Designation and place of posting/transfer
1	2	3
1.	Dr. Deepak Kabadi, Medical Officer, Primary Health Centre Candolim, Bardez-Goa.	Medical Officer, Asilo Hospital, Mapusa, against the vacant post.
2.	Dr. Nilin R. Sukhtankar, Medical Officer, Hospicio Hospital, Margao-Goa.	Medical Officer, Primary Health Centre, Ponda, against the vacant post.

Both these officers are not entitled for Transfer T. A.

By order and in the name of the Governor of Goa.

D. N. Accawade, Under Secretary (Health).

Panaji, 7th June, 1993.

Order

No. 7-3-89-I/PHD

The following postings/transfers are made with immediate effect in public interest.

Sr. No.	Name of the person, designation and present place of working	Place of posting/transfer
1.	Shri Juliao J. Rodrigues, Asstt. Pharmaceutical Chemist Asilo Hospital, Mapusa.	M.S.D. Directorate of Health Services, Panaji against vacant post.
2.	Kum. Sulekha Vinayak Chodonkar, Asstt. Pharmaceutical Chemist, Hospicio Hospital Margao.	Asilo Hospital, Mapusa vice Shri Juliao J. Rodrigues transferred.

Both these officials will not be entitled for transfer T. A. Shri Rodrigues should move first.

By order and in the name of the Governor of Goa.

D. N. Accawade, Under Secretary (Health).

Panaji, 9th June, 1993.

Order

No. 7-3-89-I/PHD

On the recommendation of the Goa Public Service Commission vide their letter No. COM/I/5/56(4)/91 dt. 1-11-91 Shri Harshad S. Kudchadker is appointed to the post of Asstt. Pharmaceutical Chemist (Group 'B' Non-Gazetted) under the Directorate of Health Services with immediate effect in the pay scale of Rs. 1640-60-2600-EB-75-2900 on the terms and conditions contained in the memorandum No. 7-11-90-I/PHD dt. 29-4-93 and posted at Hospicio Hospital at Margao.

Shri Harshad S. Kudchadker shall be on probation for a period of two years and appointment is subject to the verification of his character and antecedents.

Shri Kudchadker has been medically examined and found fit.

By order and in the name of the Governor of Goa.

D. N. Accawade, Under Secretary (Health).

Panaji, 11th June, 1993.

Order

No. 8-79-91-I/PHD

In pursuance of the proviso to Sub-Rule (1) of Rule 5 of the Central Civil Service (Temporary Service) Rules 1965, the services of Dr. (Mrs.) Vatsala Kashi, Jr. Physician under the Directorate of Health Services are hereby terminated w.e.f. 2-12-92 i.e. the date from which she remained absent unauthorisedly.

By order and in the name of the Governor of Goa.

D. N. Accawade, Under Secretary (Health).

Panaji, 14th June, 1993.

Order

No. 8/40/88-II/PHD

Read: Order No. 7/22/90-II/PHD dated 4-3-91.

The resignation tendered by Dr. Marlon O. Pereira, Demonstrator in Pathology, Goa Medical College has been accepted by the Government w.e.f. 31-10-1992 (A.N.) and he is relieved w.e.f. that date.

There are no dues outstanding against him.

By order and in the name of the Governor of Goa.

D. N. Accawade, Under Secretary (Health).

Panaji, 14th June, 1993.

Corrigendum

No. 8/5/87-II/PHD

Read: Order No. 8/5/87-II/PHD dated 25-5-93.

The date of the acceptance of resignation tendered by Dr. (Mrs.) Manjusha Jindal, Medical Officer (P.P.P.), Goa Medical College appearing in the above Government Order shall be read as "w.e.f. 3-5-93 (B.N.) and she shall stand relieved with effect from that date," instead of "w.e.f. 26-4-93 (B.N.)."

By order and in the name of the Governor of Goa.

D. N. Accawade, Under Secretary (Health).

Panaji, 15th June, 1993.

Department of Labour

Order

No. 28/Misc/AWARDS/93-LAB

The following Award given by the Industrial Tribunal, Goa, Daman and Diu is hereby published as required under the provisions of Section 17 of the Industrial Dispute Act, 1947 (Central Act XIV of 1947).

By order and in the name of the Governor of Goa.

V. G. Manerkar, Under Secretary (Labour).

Panaji, 19th August, 1993.

IN THE INDUSTRIAL TRIBUNAL
GOVERNMENT OF GOA
AT PANAJI

(Before Shri M. A. Dhavale, Hon'ble Presiding Officer)

Ref. No. IT/15/89

Shri Narayan Kurtikar

— Workman/Party I

V/s

M/s Mc Dowell & Co.

— Employer/Party II

Workman represented by Shri Subhas Naik.

Employer represented by Adv. G. K. Sardessai.

Panaji. Dated: 6-5-1993.

AWARD

In exercise of the powers conferred by clause (d) of Sub. Sec. (1) of Sec. 10 of the I.D. Act, 1947 the Government of Goa by its order No. 128/49/88-ILD dated 22nd December, 1988 has referred the following issue for adjudication by this Tribunal.

"Whether the action of the management of M/s Mc Dowell and Company Limited, Bethora in terminating the services of their workman Shri Narayan Kurtikar with effect from 19-8-1986 is legal and justified?"

If not, to what relief the workman is entitled?"

2. On receipt of this reference a case at No. IT/15/89 was registered and notices were served upon both the parties, in response to which they appeared and submitted their pleadings.

3. Party I—Shri Narayan Kurtikar (hereinafter called as the 'Workman') has filed a statement of claim (Exb. 2) wherein it has been averred as follows:

Party II—M/s Mc Dowell & Company Limited (hereinafter called as the 'Employer-Company') has a factory, situated at Bethora Ponda, Goa and it manufactures various types of Indian made Foreign Liquor and Beer. It has a sister concern known as Keserval Beverages situated at the same place and under the same management. It also manufactures some types of liquor and beers. All the products of the Employer-Company have a very good market in Goa, as well as in other States. The head office of the Employer-Company is situated at Bangalore. This Company has a chain of factories all over India, and has a turn over of over 100 crores every year. Party I—Workman was appointed as a worker w.e.f. 10th Nov., 1980 in the Employer-Company at Bethora. For about two years, he worked on temporary basis. However, his services were confirmed in April, 1982. All the workmen serving in the factory are the members of Goa Trade & Commercial Workers' Union since 1982. Hence the workman also became the member of the said Union. It is the case of the workman that he was discharging his duties quite faithfully and honestly without giving any room for complaint. No memo or even the charge sheet, except the one in question was issued to him. On 26-3-86 the workman reported for work as usual at 8.30 a.m. At about 12.30 p.m. which was lunch time, the workman went in the rest room along with others. When he returned, he saw his

colleague by name Prashant Kulkarni sleeping on the bench, with his legs up. The workman also found some water sprinkled on the bench. Hence, the present workman went to lie down on another bench. After some time, when this workman was taking rest, P. Kulkarni went near him and caught hold of his collar. He questioned him as to why he sprinkled water on his person. The workman denied to have sprinkled water and asked him to leave his collar. When this incident occurred the other workers gathered and they separated the present workman from being assaulted by P. Kulkarni. At that time, one glass plank of the window fell down. That time, Mr. Paul D'Costa, Personnel Officer was passing by the side of the rest room. When he heard the noise of the glass plank, he came and enquired as to what had happened. The other workers informed him that P. Kulkarni and Kurtikar were fighting amongst themselves. Hence, Paul went away. At about 2.30 p.m. the present workman was called by Mr. Verma, the Manager in his cabin. That time, P. Kulkarni was already there. Mr. Verma made some enquiry about the incident which had previously occurred. However, the workman told him that he did not assault P. Kulkarni. Instead, he stated that he was caught hold of by P. Kulkarni. Thereafter, P. Kulkarni and the workman were taken to the Chief Executive by name Shri Nandeshwar. He also made further enquiry. Thereafter, the workman was not allowed to report for duty. Thereafter, on the same day, at about 4.00 p.m. the Chief Executive called the workman in his cabin, and handed over to him a charge sheet cum suspension order dated 27-3-1986. Thus, under this letter the workman was suspended with immediate effect. He was charge-sheeted for having behaved in a riotous manner by pouring water on the person of P. Kulkarni. It was also added that the workman indulged in abusive language and threatened that he would murder Kulkarni. On the next day, the workman sent a reply to the charge sheet, in which he denied all the allegations levelled against him. Thereafter, on 19-4-1986 an enquiry was held by Mr. Ulhas Raiker, an Advocate. In the enquiry, some evidence was led and on considering the same, the I. O., submitted his findings on 25-5-1986 holding that all the wages levelled against the workman were duly proved. It is the grievance of the workman that the I. O., did not conduct the enquiry fairly and properly and did not apply his mind to the facts of the case; with the result that the findings given by him are perverse. The Employer-Company accepted the findings and issued a show cause notice dated 3-6-1986 and called upon him to show cause why his services should not be terminated. Thereafter, the workman sent a reply to the show cause notice dated 20-6-1986. Thereafter, on 19-8-1986, the Employer-Company issued a letter to the workman under which he was dismissed from service with immediate effect. It has been submitted by the workman that in the year 1987, the Employer had imposed a lock-out in the factory. Hence, the Union went on strike from 24-3-87 to 3-10-87. During discussions, several other issues were resolved; but the dispute relating to the present workman was not resolved. Hence, the conciliation proceedings were initiated before the Labour Commissioner. However, as there was no settlement, a failure report was submitted, pursuant to which; the Government was pleased to refer this dispute to this Tribunal. The workman therefore prays that the order of termination is illegal and unjust, and hence the same should be set aside, and he should be reinstated in service with other monetary benefits.

4. Party II—M/s Mc Dowell & Company by its Written Statement at Exb. 3 resisted the workman's claim contending inter alia as follows:

On 27-3-86, the present workman, who was an employee of Party II had behaved in a riotous manner and he poured water on the person of P. Kulkarni, while he was taking rest. The workman also indulged in abusive language and threatened him that he will murder him. He also broke a window glass of the rest room. Hence he was charge sheeted and a Domestic Enquiry was held against him in which he fully participated. The enquiry was conducted fairly and properly, and on considering the evidence led before him, the I. O., submitted his findings in which he held the charges levelled against the workman proved. The management after re-appraisal of the findings confirmed the same, and eventually issued a show cause notice to the workman and consequently the workman's services were terminated. It is denied that during enquiry no eye witness was examined to support the allegations made against the delinquent

workman. It is also denied that the enquiry was not conducted by following the principles of natural justice, as alleged by the workman. Alternatively, it has been contended that in the event, if the enquiry is held to be not fair and proper, the Employer-Company should be given an opportunity to lead evidence in support of the charges levelled against the workman. It has been finally contended that the acts committed by the workman were of riotous nature, and considering the past record, the extreme penalty of dismissal was perfectly just and legal, which calls for no interference by this Tribunal.

5. Thereafter, the workman filed a rejoinder at Exb. 4, wherein he controverted all the contentions of Party II and reiterated his claim made in the Statement of claim.

6. On these pleadings, my learned Predecessor Shri S. V. Nevagi framed the following issues at Exb. 5.

1. Whether a fair, proper and impartial enquiry was conducted against the workman as regards the incident which took place at about 13.05 hours on 27-3-86 as alleged?
2. Whether the findings of the Enquiry Officer Shri Ulhas Pai Raiker, Advocate, is just and proper in the circumstances of the case?
3. If so, whether the action of the management, based on the enquiry report in terminating the services of the workman Narayan B. Kurtikar is just and legal in the circumstances of the case?
4. If not, what reliefs is the workman entitled to in this Government reference?
5. What order?

7. My findings on the above issues are as follows for the reasons stated below:

1. Yes.
2. Yes.
3. Yes.
4. The workman is not entitled to any relief.
5. As per final order below.

REASONS

8. The respective contentions of the parties to this dispute have been stated in the opening paragraphs of this judgment, which need no further repetition. Now, out of the five issues framed at Exb. 5, issue No. 1 as regards the fairness of the domestic enquiry was treated as preliminary issue and the same has been considered by me after appreciating the evidence led on behalf of both the sides. By my order at Exb. 20 dated 28-7-92 I have held that the domestic enquiry held against the workman is perfectly fair and proper. In view of the matter, the next question that arises for determination is whether the findings recorded by the I. O., are just and proper and whether the final order of termination based on the said report is just and legal. These are the only two issues which survive for consideration in this case.

9. The domestic enquiry in this case was conducted by Adv. U. B. P. Raiker who is a Practising Advocate. The R & P along with the findings of the enquiry have been produced in this case. Now, the charges levelled against the workman can be found at Exb. 7. There were as many as 4 charges namely:

- (1) Drunkenness, riotous, disorderly, indecent or improper behaviour on the premises of the establishment if adversely affects or is likely to affect the working or discipline of the establishment.
- (2) Commission of any act subversive of discipline or good behaviour on the premises of the establishment.
- (3) Damage or loss whether wilful or due to irresponsible action, or damage due to negligence or carelessness to or/for work in process or to/or of any property of the establishment.
- (4) Use of impolite or insulting or abusive language, assault or threat, intimidation or coercion within the premises of the Company against any employee of the Company or any other person authorised to work in the Company.

These are the misconducts under clause 21(v) (xiii) (xix) and (XLIV) of the Standing Orders of the Company. Now, the perusal of the findings of the I. O., clearly reveals that

the management examined as many as 3 witnesses, one of whom was Prashant Kulkarni against whom the workman committed the above referred acts. After considering the evidence led by the management, in conjunction with the solitary statement of the delinquent workman, the Inquiry Officer found that the charges levelled against workman were substantially proved. I have carefully gone through the R & P of the enquiry and have found that the findings recorded by the I. O., are well justified and they are sufficiently borne out by the evidence led before me. I therefore feel absolutely no hesitation in accepting the said findings which were already accepted by the management, on the basis of which the final order of termination was passed. In view of this conclusion, I answer issue No. 2 in the affirmative.

10. That takes me to consider whether the extreme penalty of dismissal is really called for. Now, regard being had to the seriousness of the charges proved against him, I do not find that the penalty imposed upon the workman can be said to be out of proportion. As I have stated earlier, the misconduct committed by the workman is certainly of a serious nature and in order to maintain discipline amongst the workers of the Company it was absolutely essential for the management to pass an order of termination. Nothing has been urged on behalf of the workman to state as to how the penalty imposed upon him is not just and proper. I, therefore hold that the order of termination passed by the management is perfectly legal and proper and calls for no interference by this Tribunal.

11. Moreover, Party II — Management has also produced some cogent evidence to prove that after the dismissal, the workman has been gainfully employed and he is running a motorcycle taxi. The management has examined Shri Paul D'Costa who is the Administrative Officer in the Company at Exb. 23. He has stated that the workman was driving a motorcycle since the date of his termination and he plys his motorcycle in Ponda town. He has also stated that the workman is earning Rs. 75/- to Rs. 80/- per day. Finally, he has stated that the motorcycle is registered in the name of this workman and the same is at No. GDY - 1086. He has been cross examined to some extent but no material useful for the defence of the workman has been brought on record in his cross examination. Whatever has been stated by this witness is also borne out by the documents at Exb. 24 & 25. I, therefore feel absolutely no hesitation to accept the evidence of this witness in proof of the fact that after dismissal, the workman has been gainfully employed. Of course this aspect of the case has little relevance in view of my finding on issue No. 3.

12. In view of my findings on the foregoing issues, it follows that the workman is not entitled to any relief and hence I pass the following order.

ORDER

It is hereby declared that the action of the management of M/s Mc Dowell and Company Limited, Bethora, in terminating the services of the workman by name Shri Narayan Kurtikar w. e. f. 19-8-1989 is perfectly legal and justified and hence the workman is not entitled to any relief whatsoever.

No order as to costs. Government be informed.

Sd/-

(M. A. DHAVALÉ)
Presiding Officer
Industrial Tribunal

Notification

No. 21/3/79-LAB

In supersession of the Government Notification quoted above and in pursuance of recommendation made by the

Committee on Child Labour Welfare under the Government of India, Ministry of Labour, Government is pleased to reconstitute a State Advisory Board on Child Labour with the following composition in the State of Goa.

1. Minister for Labour & Industries — Chairman.
2. Secretary, Industries & Labour — Ex-Officio Member.
3. Commissioner of Labour — Ex-Officio Member Secretary.
4. Director of Social Welfare — Ex-Officio Member.
5. Director of Education — Ex-Officio Member.
6. Shri Somnath Zuarkar, MLA — Member.
7. Shri J. B. Gonsalves, MLA — Member.
8. Shri Ferdine Rebello, Vice President United Bargemen's Association (HMS) — Member.
9. Shri D. Fernandes, General Secretary Goa Shops & Industrial Workers' Union (INTUC) — Member.
10. Shri George Vaz, General Secretary Goa Trade & Commercial Workers' Union (AITUC), Assonora, Bardez, Goa — Member.
11. Shri Prabhakar Godge, President Goa Shop & Industrial Workers' Union, Margao — Member.
12. Shri M. S. Talaulikar, President Goa Mining Association — Member.
13. Shri V. V. Dempo, President Goa Chamber of Commerce & Industries — Member.
14. Shri G. P. Naik, President Hotel Owners' Association, Panaji — Member.
15. Shri Raghuraj Tamba, President Goa Contractors' Association Altinho, Panaji-Goa — Member.
16. Smt. Asha Sanverdekar, President All India Women's Conference, Panaji — Member.
17. Smt. Bemvinda Dias, Chairman Goa, Daman and Diu State Social Welfare Board, Panaji — Member.

The terms of reference of the Board would be to:

- (1) Review the implementation of the existing legislation administered by the State Government.
- (2) Suggest legislative measures as well as welfare measures for the welfare of the working children.
- (3) Review the progress of welfare measures for working children; and
- (4) Recommend the industries and areas where there must be a progressive elimination of child labour.

The non-official member will be entitled for TA/DA as admissible to the Group 'A' Officers of the this Administration.

This issues with the concurrence of the Finance Department vide their U. O. No. FS/1321/93 dated 22-7-93.

By order and in the name of the Governor of Goa.

V. G. Manerkar, Under Secretary (Labour).

Panaji, 16th August, 1993.

Corrigendum

In the Notification of Revenue Department No. 22/28/93-RD dated 20-8-93 published in the Official Gazette (Supplement), Series II No. 4 dated 26-4-93, at page 83, the Survey No. "206 part" may be read as "206/5 part".

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